

Notice of Allowability

Application No.

09/898,694

Examiner

Hai Vo

Applicant(s)

COOK, ELMER L.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/2003.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 02 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☒ Interview Summary (PTO-413), Paper No. 1024.
6 ☒ Examiner's Amendment/Comment
8 ☒ Examiner's Statement of Reasons for Allowance
9 ☒ Other See Continuation Sheet.

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1900-

1700

Daniel Zinker

Continuation Sheet (PTOL-37)

Application No. 09/898,694

Continuation of Attachment(s) 9. Other: Petition and Fee under 37 CFR 1.136(A) for the extension of time.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward M. Livingston, Esq. on 10/28/2003.

The application has been amended as follows:

The claims:

Claim 1: line 14, insert --wherein the foam material is a closed cell foam;-- before "wherein".

Claim 17: line 1, delete "pliable";

line 7, insert --wire-- before the term "mesh";

line 16, delete "." and insert --; wherein the foam material is a closed cell foam.--

Claim 18: line 1, delete "pliable";

line 6, insert --wire-- before the term "mesh";

line 14, delete "." and insert --; wherein the foam material is a closed cell foam.--

REJOINDER

2. Claims 1-16 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 17-

22, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Claims 17-22 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office Action mailed on 10/23/2002 is hereby withdrawn.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: Note that the art rejections have been overcome by the Examiner's amendment and Applicant's arguments. As argued by Applicant, the replacement^{of} the fiberglass scrim (67) of Smith, Jr. et al (US 4,049,852) by the aluminum foil from the polyamide composite shown in Okey (US 4,468,431) is not obvious because the foil with a thickness of 0.0001 to 0.005 inch would not provide the reinforcement support to the laminate of Smith. Further, the inclusion of the closed cell foam in the structural reflective insulating material as defined in claim 1 would provide structural distinction over the prior art such as a combination of Frank (US 4,584,232) and Okey (US 4,468,431).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Attached is the fax copy of the Petition and Fee Under 37 C.F.R. 1.136 (A) for the Extension of Time mailed on 10/27/2003 from Mr. Edward M. Livingston.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on M,T,Th, F, 8:30-6:00 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.